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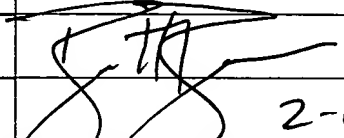
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Serial - Control Number	09/773,303 - 90/005,892	
	Filing Dates	01/31/2001 - 12/20/2000	
	First Named Inventor	Larry M. Proctor	
	Group Art Unit	1638	
	Examiner Name	Amy Nelson	
Total Number of Pages in This Submission	7+	Attorney Docket Number	19742/002

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ENCLOSURES (check all that apply)

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Remarks		It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 03-1725 for the required fees.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brett L. Bornsen Reg. No. 46,566
Signature	
Date	2-8-02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the Federal Express as Overnight in an envelope addressed to: 1911 S. Clark Place, Arlington, VA 22202 on this date: 2/8/02			
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19742/002

REISSUE LITIGATION

Practitioner's Docket No. 19742/002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Proctor

Reissue of US Patent 5,894,079

Re-exam. of US Patent 5,894,079

Serial No.: 09/773,303

Control Number 90/005,892

Filed: 1/31/2001

Filed: 12/20/22000

For: FIELD BEAN CULTIVAR NAMED ENOLA

USPTO

Attn: Amy Nelson, Examiner

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1911 S. Clark Place

Arlington, VA 22202

Group No.: 1638

Phone: (703) 306-3218

Statement Accompanying IDS

Dear Madam:

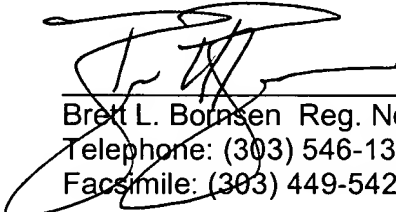
Regarding Cite number 10 of the IDS, the Requestor cited Chapters 3, 6, and 8 of the Common Beans book. Because the Examiner may wish to refer to other chapters, we have included and cited the Common Beans book in total.

Regarding Cite numbers 11-14 of the IDS, reference 11 purports to document experimental work proving that the subject matter of the invention in U.S. Patent 5,894,079 is anticipated by the Pimono 78 bean. The attached Declaration of Lorange Greenlee, Cite Number 13, is submitted to establish that the methodology and conclusions of the study are flawed and have no probative value.

A copy of these documents will be sent to the Requestor of the Re-examination.

Respectfully submitted,
Faegre & Benson, LLP

Date: 2-8-02


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09773303-092502

Practitioner's Docket No. 19742/002

PATENT

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Proceedings Information Pursuant to
37 CFR 1.178 and 37 CFR 1.565

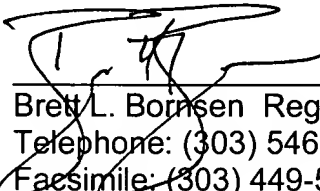
Applicant provides the following information pursuant to 37 CFR 1.178 and 37 CFR 1.565: (1) Pod-Ners L.L.C. v. Tutuli Produce Corp. and Rebecca Gilliland is an action for infringement of the patent involved in these consolidated proceedings pending in the United States District Court for the Central District of California (Civil Action No. 99-10172-CBM (Mcx)). Defendants have alleged in counterclaims invalidity, noninfringement, unenforceability because of non-citation of Azufrado Pimomo 78 (Mayacoba) during prosecution, trade libel, intentional interference with prospective economic advantage, intentional interference with contractual relations, and Federal unfair competition. The action was stayed on August 20, 2001 pending resolution of these consolidated proceedings and the United States Supreme Court appeal in J.E.M. AG Supply, Inc. et al. v. Pioneer Hi-Bred International, Inc. (No. 99-1996, decided in favor of the patent and like patents on December 10, 2001); (2) Pod-Ners L.L.C. v. Northern Feed & Bean Of Lucerne Ltd. Liability Co., Yellow River, L.L.C., Highland Feed & Bean, Inc., Flying K Farms, Inc., Whitman Farms, Inc., Murata

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Farms, L.L.C., Leland Benson, Lynn Fagerberg, Barnard Geisick, Jim Gibbs, Stan Heinze, Louie Fabrizio, Dennis Klein, Roger Troudt, Chuck Winter, and Steve Winter is an action for infringement of a Plant Variety Protection Certificate (No. 9700027) relating to the subject matter of the patent involved in these consolidated proceedings pending in the United States District Court for the District of Colorado. In addition to infringement, the complaint alleges Federal and State unfair competition, deceptive trade practices, and tortious interference. One defendant has alleged in counterclaims invalidity, noninfringement, deceptive trade practices, intentional interference with prospective business relations and economic advantage, intentional interference with contractual relations, and Federal unfair competition.

Respectfully submitted,
Faegre & Benson, LLP

Date: 2-8-02



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